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**MAILED**

**MAR 26 2010**

**OFFICE OF PETITIONS**

In re Lopez et al. : DECISION ON REQUEST  
Patent No. 7,427,401 : FOR  
Issue Date: September 23, 2008 : RECONSIDERATION OF  
Application No.10/774,887 : PATENT TERM ADJUSTMENT  
Filed: February 9, 2004 : AND  
Attorney Docket No. 029860-0154 : NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION

This is a decision on the reconsideration petition filed on November 24, 2009 and supplemented on January 21, 2010, which is collectively being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred sixty (460) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred sixty (460) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on February 10, 2007 and ends on November 4, 2007, the day before the RCE was filed, and is 268 (not 269) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 459, not 460 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are

given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred fifty-nine (459) days**.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.



Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,427,401 B2

DATED : September 23, 2008

DRAFT

INVENTOR(S) : Lopez et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 191 days

Delete the phrase "by 191 days" and insert – by 459 days--